

MEMO ENDORSED

MICHAEL A. CARDOZO
Corporation Counsel

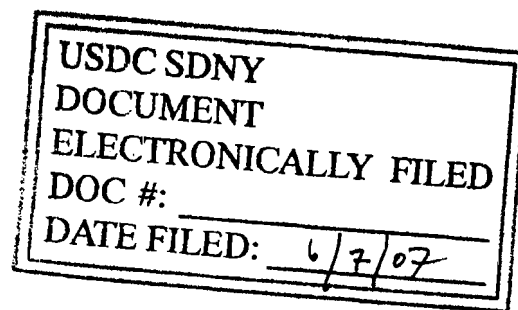
THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

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June 5, 2007

BY HAND

Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007



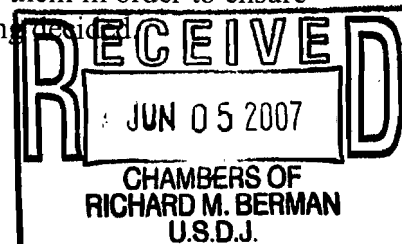
Re: Barrett v. City of New York et al., 07 CV 3826 (RMB)

Dear Judge Berman:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and attorney for defendant City of New York ("City"). I am writing with the consent of plaintiff's counsel, Izabel Garcia, Esq. to respectfully request (1) a sixty (60) day enlargement of time from June 5, 2007 until August 5, 2007, within which the City may answer or otherwise respond to the complaint, and (2) for a corresponding adjournment of the Initial Conference presently scheduled for July 2, 2007 at 9:30 a.m., until a date after which the City answers or otherwise responds to the complaint. This is the City's first request for an enlargement of time and for an adjournment of the Initial Conference in this action.

The complaint alleges, *inter alia*, that plaintiff was falsely arrested, imprisoned and maliciously prosecuted. In addition to the City of New York, plaintiff purports to name Police Officer Omar R. Bostic and Police Officer Selwyn M. Fonrose as defendants¹. Before this

¹ On information and belief, the individuals identified in the caption of the complaint as "Police Officer Omar R. Bostic" and "Police Officer Selwyn M. Fonrose" have not been served with the summons and complaint in this action. Without appearing on their behalf, it is respectfully requested that, if they have been served, the same extension be granted to them in order to ensure that their defenses are not jeopardized while representation issues are being resolved.



office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case.

An enlargement of time will give this office the opportunity to investigate the allegations of the complaint in accordance with our obligations under Rule 11 of the Federal Rules of Civil Procedure. Currently, this office has forwarded to the plaintiff for execution a consent and authorization for the release of records that may have been sealed pursuant to New York Criminal Procedure Law § 160.50. This executed release is necessary for our office to obtain the District Attorney, Criminal Court, and police records pertaining to plaintiff's underlying arrest and prosecution.

In view of the foregoing, it is respectfully requested that defendant's time to respond to the complaint be extended to August 5, 2007. Additionally, if the Court is so inclined to grant this request, it is further respectfully requested that the initial conference scheduled for July 2, 2007 at 9:30 AM be adjourned to a date and at a time convenient to the Court after issue has been joined.

Thank you for your consideration in this regard.

Respectfully submitted,

Johana Castro (JC 1809)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: BY FAX
(718) 624-4748
Izabel Olszowa Garcia, Esq.
Attorney for Plaintiff
26 Court Street, Suite 1815
Brooklyn, NY 11242

Extension Granted on
consent, Conference
adjourned to
8/15/07 @ 9:15 AM

SO ORDERED:
Date: 6/7/07 Richard M. Berman
Richard M. Berman, U.S.D.J.